

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

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INVITATION TO PAY ADDITIONAL FEES  
AND, WHERE APPLICABLE, PROTEST FEE  
(PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

Date of mailing  
(day/month/year) 15/07/2008

Applicant's or agent's file reference

54330/355222

**PAYMENT DUE**

within **ONE MONTH** from  
the above date of mailing

International application No.

PCT/US2008/056358

International filing date  
(day/month/year)

10/03/2008

Applicant

TURBOCHEF TECHNOLOGIES, INC.

**1. This International Searching Authority**

(i) considers that there are 4 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:

(ii) therefore considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:

(iii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
**see extra sheet**

(iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

**2. Consequently, the applicant is hereby invited to pay, within the time limit indicated above, the amount indicated below:**

EUR 1 700,00	x	3	=	EUR 5 100
Fee per additional invention		number of additional inventions		currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee. Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 750,00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority

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Authorized officer

Nathalie De Greef

**Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No  
PCT/US2008/056358

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 096 159 A (LINCOLN MFG CO [US]; ENERSYST INC [US]) 21 December 1983 (1983-12-21)	1,2,5, 7-11, 13-15
Y	page 27, lines 9-31; figures 2,3	3,4,6,12
X	US 5 025 775 A (CRISP DUANE L [US]) 25 June 1991 (1991-06-25)	1,2,5, 7-11, 13-15
	figures 5,7	
X	US 3 813 216 A (BAUR H ET AL) 28 May 1974 (1974-05-28)	1,5,7-9, 13,15
	figure 1	
Y	US 5 717 192 A (DOBBIE MICHAEL J [US] ET AL) 10 February 1998 (1998-02-10) cited in the application column 3, lines 28-33; figure 3 column 6, lines 12-28	3,4,6,12
A	WO 2006/081202 A (ENERSYST DEV CT LLC [US]; DOUGHERTY CARL [US]) 3 August 2006 (2006-08-03) page 3, paragraph 2; figures 1-3 page 7, paragraph 1	1-15

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

\*A\* document member of the same patent family

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-15

A compact conveyor oven for cooking a food product, comprising:  
a cooking chamber;  
a gas delivery system;  
a flow means for causing circulation of the gas;  
a first gas transfer section disposed above the food product and operably associated with the flow means;  
the first gas transfer section further comprising a divider; wherein the divider separates the first gas transfer section into a smaller and a larger nozzle section; wherein each the smaller and larger nozzle section is comprised of a plurality of nozzles;  
turning vanes within the first gas transfer section; wherein gas is discharged from the flow means into the smaller nozzle section and thereafter deflected into the larger nozzle section by the turning vanes; and  
wherein substantially equal pressurization of the gas passing through the nozzles of the first transfer section is achieved.

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2. claims: 16-21

A compact conveyor oven for cooking a food product, comprising:  
a cooking chamber;  
a gas delivery system;  
a flow means for causing circulation of the gas;  
a conveyor means to convey food through the cooking chamber, the cooking chamber  
having an entrance opening and an exit opening;  
directing vanes disposed at the entrance opening and exit opening;  
a first gas transfer section with a bottom side and a top side and disposed above the food product and operably associated with the flow means; wherein spent airflow from the bottom side of the first gas transfer section is directed towards the entrance opening and the exit opening; and  
wherein the directing vanes direct spent airflow to the top side of the first gas transfer section.

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3. claims: 22,23

A compact conveyor oven for cooking a food product, comprising:  
a back wall;  
a cooking chamber;  
a gas delivery system;  
a flow means for causing circulation of the gas;  
a cooling duct comprising an intake opening and a motor;  
wherein the cooling duct is disposed along the back wall providing for spacing such that the oven cannot be positioned directly adjacent a wall or other structure; and  
wherein cooling air is drawn through the intake opening by the motor and thereafter distributed throughout the oven.

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4. claim: 24

A compact conveyor oven for cooking a food product, comprising:  
A back wall;  
a cooking chamber;  
a gas delivery system;  
a flow means for causing circulation of the gas;  
a means for heating the gas; wherein  
the means for heating the gas is gaseous fuel;  
the gaseous fuel delivered to the oven through gas piping;  
wherein  
the gas piping is disposed between the cooking cavity and the back wall thereby providing footprint savings and the ability to interconnect the gas piping to ovens stacked above or below.

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This Authority considers that there are 4 inventions claimed. The following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

- |           |       |
|-----------|-------|
| 1) Claims | 1-15  |
| 2) Claims | 16-21 |
| 3) Claims | 22,23 |
| 4) Claim  | 24    |

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by rule 13.1 PCT, are as follows:

The prior art has been identified as document W02006/081202 A and discloses:

- A compact conveyor oven for cooking a food product, comprising:
- a cooking chamber (fig. 2, num. 28);
  - a gas delivery system (see fig. 2);
  - a flow means for causing circulation of the gas (fig. 1, num. 300, 302, 304);

- a first gas transfer section disposed above the food product and operably associated with the flow means (fig. 2, num. 124);
- turning vanes within the first gas transfer section; wherein gas is discharged from the flow means into the smaller nozzle section and thereafter deflected into the larger nozzle section by the turning vanes; and wherein substantially equal pressurization of the gas passing through the nozzles of the first transfer section is achieved.
- a conveyor means to convey food through the cooking chamber, the cooking chamber having an entrance opening and an exit opening (p.3, par. 2);
- a first gas transfer section with a bottom side and a top side and disposed above the food product and operably associated with the flow means (see fig. 2); wherein spent airflow from the bottom side of the first gas transfer section is directed towards the entrance opening and the exit opening (see fig. 3); and wherein the directing vanes direct spent airflow to the top side of the first gas transfer section (fig. 2, num. 122);
- a back wall (p.3, par. 2);
- a means for heating the gas, wherein the means for heating the gas is gaseous fuel (p. 7, par. 1), the gaseous fuel delivered to the oven through gas piping (implicit as there must be a gas delivery system);

It follows that the different groups have following separate technical features, which make a contribution over the prior art and can be considered as special technical features within the meaning of Rule 13.2 PCT:

Group 1 (claims 1-15) - special technical features to be found in claim 1

a first gas transfer section comprising a divider; wherein the divider separates the first gas transfer section into a smaller and a larger nozzle section; wherein each the smaller and larger nozzle section is comprised of a plurality of nozzles;

Group 2 (claims 16-21) - special technical features to be found in claim 16

directing vanes disposed at the entrance opening and exit opening;

Group 3 (claims 22, 23) - special technical features to be found in claim 22

a cooling duct comprising an intake opening and a motor; wherein the cooling duct is disposed along the back wall providing for spacing such that the oven cannot be positioned directly adjacent a wall or other structure; and wherein cooling air is drawn through the intake opening by the motor and thereafter distributed throughout the oven;

Group 4 (claim 24) - special technical features to be found in claim 24

gas piping; wherein the gas piping is disposed between the cooking cavity and the back wall thereby providing footprint savings and the ability to

interconnect the gas piping to ovens stacked above or below.

The special technical features of group 1 allow the separation of the airflow into unequal streams thereby solving the objective problem of providing an optimal and balanced baking environment.

The objective problem to be solved by the special technical features of group 2 is the conservation of energy by reducing the heat loss to the environment.

The special technical features of group 3 allow cooling of the rear wall of the oven thereby solving the objective problem of reducing heat transfer of the backside to the adjacent object.

The objective problem to be solved by the special technical features of group 4 is the reduction of piping needs and the facilitation of stacked ovens with the same footprint as one oven.

As shown above, the special technical features of the different inventions are not the same. Furthermore, there are no correspondent technical features as the different inventions solve different problems. Consequently, a technical relationship between the inventions is lacking, and the requirement of unity of invention referred to in Rules 13.1 and 13.2 PCT is not fulfilled.

**Patent Family Annex**  
Information on patent family members

International Application No  
PCT/US2008/056358

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0096159	A	21-12-1983	AU 533514 B1 CA 1198937 A1 DE 3371686 D1 JP 1644141 C JP 3003126 B JP 59041722 A US 4462383 A	01-12-1983 07-01-1986 25-06-1987 28-02-1992 17-01-1991 08-03-1984 31-07-1984
US 5025775	A	25-06-1991	AU 637559 B2 AU 7811791 A CA 2041872 A1 DE 69103341 D1 DE 69103341 T2 EP 0460803 A2 ES 2057767 T3 JP 4228019 A	27-05-1993 05-12-1991 05-12-1991 15-09-1994 08-12-1994 11-12-1991 16-10-1994 18-08-1992
US 3813216	A	28-05-1974	BE 789508 A1 DE 2150191 A1 FR 2155497 A5 GB 1392317 A IT 968738 B NL 7211738 A	15-01-1973 30-05-1973 18-05-1973 30-04-1975 20-03-1974 10-04-1973
US 5717192	A	10-02-1998	NONE	
WO 2006081202	A	03-08-2006	CA 2595820 A1 EP 1842009 A1 KR 20070115905 A	03-08-2006 10-10-2007 06-12-2007

## Important Information

### General:

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched (unless you pay for all inventions found)
- An **extension** of the set **time limit** cannot be granted.

### Payment by cheque (not accepted as of 01/04/2008):

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
- Copies of cheques sent by fax or by mail are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.
- No payments by cheque shall be accepted as of 01/04/2008 (date of receipt at the EPO).

### Payment or transfer to a bank account:

- The **date to be considered as the date on which the payment is made** is the date on which the amount of the payment or the transfer is **actually entered** in a bank account or Giro account held by the EPO.
- The fees shall be paid in euros, no equivalents in other currencies, all charges to be carried by the applicant
- For a list of accounts held by the EPO please see [http://www.european-patent-office.org/epo/new/bank\\_euro.pdf](http://www.european-patent-office.org/epo/new/bank_euro.pdf)

### Payment by deposit account with the EPO:

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

**Note:** *If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.*

**Payments by credit card are not possible.**

### Payments under protest (one-step procedure under Rule 40 PCT as of 13/12/2007):

- For general information on the protest procedure at ISA/EP, please refer to the Special Edition No. 3 of the OJ of the EPO 2007, pages 140-145, [http://www.european-patent-office.org/epo/pubs/oj007/08\\_07/special\\_edition\\_3\\_epc\\_2000\\_decisions.pdf](http://www.european-patent-office.org/epo/pubs/oj007/08_07/special_edition_3_epc_2000_decisions.pdf)
- Any protest will **only be accepted if**, within the time limit set in the invitation, the additional fees for each invention to be searched **and** the protest fee are paid.
- The protest has to be **accompanied by a technical reasoning**.

**European Patent Organisation**

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